The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR: Sir, the principle of the Bill having been accepted by the Council, I beg to move under Standing Order 31 (4) that this Bill be referred to a Select Committee.

MR. K. GEORGE: I beg to second the motion.

PRESIDENT: I take it that the House accepts the motion that the Bill be referred to a Select Committee. MR. Subba Aiyar will now propose the names of the members of the Select Committee.

MR. V. SUBBA AIYAR: I propose the following gentlemen to be members of the Select Committee to submit the report within one month, *viz.*, Mr. K. Anantanarayana Aiyar, Mr. M. Raja Raja Varma, Mr. T. K. Velu Pillai, Mr. G. Paramesvaran Pillai and myself.

DR. N. KUNJAN PILLAI: I beg to second the motion.

PRESIDENT: I take it that this is passed by the House, and I nominate Mr. Subba Aiyar as the Chairman of the Select Committee.

LAND ACQUISITION REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, the Land Acquisition Regulation Bill has also been published in the Gazette, with the permission of the Dewan and it is therefore unnecessary to apply for leave to introduce the Bill. Under Section 47 of the new Municipal Regulation the Government are empowered to acquire lands on behalf of a Municipal Council, subject, however, to the condition that the Municipal Council should pay the necessary compensation and also any incidental charges that the Government may incur. But there is no provision in the Land Acquisition Regulation that the Municipal Council may appear before a land acquisition officer and adduce the necessary evidence as to the value of the land itself. The clause now introduced enables the Council to do this and also to move the land acquisition officer to refer the matter to the District Court.

It was brought to the notice of Government at the seventeenth session of the Sri Mulam Popular Assemby by Mr. P. K. Narayana Pillai, member for Ambalapuzha taluk, that the Land Acquisition Regulation was defective in that respect and that the same should be amended, that the Land Acquisition Regulation was passed before the new Municipal Regulation and that, under the old Regulation, the Municipal Council had no power to acquire land or to pay for it. In accordance with that suggestion the present Bill has been drafted. What the present Bill provides for is that, when the land is proposed to be acquired, the Municipal authority may appear before the land acquisition officer and adduce the necessary evidence. This follows the British Indian provision on the subject. There is, however, one other matter in the British Indian Act which has not been adopted here. According to the British Indian Act, when land is acquired for Government or Municipal purposes, the Government or the Council as the case may be, will have no right to move for a reference to the District Court. The principle of this restriction seems to be that, when a land acquisition officer fixes a value, it is not open to

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[Mr. V. Subba Aiyari]

Government to question the same, as the former is the agent of the latter. The Government are not allowed to question the acts of their agents and, therefore, cannot move for a reference to the District Court. In British India, the Municipal Council is placed on the same footing as Government. But I think it is absolutely necessary to make a distinction. A Municipal Council is a body corporate capable of suing and being sued in its own name. In the eye of the law it is as much a distinct body from Government as any other body. I, therefore, see no reason why the value proposed by the land acquisition officer should be binding upon a Municipal Council which has to pay the compensation from its own funds and why the Council should not be allowed to apply for a reference. Hence the present provision.

With these words, I beg to move that the principle of the Bill be accepted and the Bill be read in Council.

MR. S. PARAMESVARA AIYAR: I beg to second the motion.

The Motion was accepted by the Council, and the Secretary read the title of the Bill.

MR. V. SUBBA AIYAR: I beg to move that the Bill be referred to a Select Committee.

MR. R. KRISHNA PILLAI: I beg to second the motion.

PRESIDENT: The House having accepted the motion, Mr. Subba Aiyar will please propose the names of the members of the Select Committee.

MR. V. SUBBA AIYAR: I propose Messrs. K. Anantanarayana Aiyar, P. K. Narayana Pillai, N. Kumaran, N. Padmanabha Pillai and myself to be the members of the Committee to report within one month.

MR. R. KRISHNA PILLAI: I beg to second the motion.

PRESIDENT: The proposed constitution of the Select Committee having been accepted by the Council, I appoint Mr. Subba Aiyar as the Chairman.

TOLLS RECOVERY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, the next item is the Tolls Recovery Regulation Amendment Bill. It was reported to the Government that some of the buses drove away without paying any toll at the Kuzhittura bridge, and the toll contractor, although he was empowered to seize the buses, did not do so. He demanded the toll later on and wanted that the toll should be recovered under the Revenue Recovery Regulation. Certainly it was not possible to recover the sum summarily under that Regulation and the only remedy of the contractor was to file a suit for the recovery. That apart, the person who evaded payment of the toll was not liable to be prosecuted under the Tolls Recovery Regulation, as there was no penalty provided for the non-payment of the toll. This defect is proposed

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